

R E M A R K S

A. INTRODUCTION

Claims 49-62 and 80 are pending and rejected.

Upon entry of the accompanying Amendment:

- Claims 50-57, 59-62 and 80 will be pending
- Claims 50, 54, 55, 59, 60, 61, 62 and 80 will be amended
- Claims 49 and 58 will be cancelled without prejudice
- Claims 49, 61, 62 and 80 will be the only independent claims

B. SUMMARY OF TELEPHONE INTERVIEW

The Examiner and Applicants' representative discussed the indefiniteness rejections in the present Office Action in a Telephone Interview conducted September 8, 2010. Although Applicants do not agree any such amendments are necessary for patentability, the Examiner and Applicants agreed upon amendments to the claims that the Examiner indicated would overcome the indefiniteness rejections.

C. AMENDMENTS TO THE CLAIMS

Applicants respectfully request entry of this Reply and accompanying Amendment after the Final Office Action. The Amendment places the Application in condition for allowance, adopts suggestions made by the Examiner and / or puts the Application in better condition for appeal.

Claim 55 has been amended as an independent claim and to incorporate generally all of the limitations of the base Claim 49, now cancelled. Further, the subject matter has been amended to provide for determining of the first and second values and calculating by a central processor. Further, although it was implicit in Claim 49 already, the determined second value of the parameter is now explicitly of the credit account. No new matter was added. Applicants submit that the amendments overcome the Examiner's allegations of indefiniteness, as discussed in the Telephone Interview, and, as the Examiner had indicated in the Office Action the subject matter as allowable, Applicants submit that independent Claim 55 is allowable.

Independent Claims, 61, 62 and 80 have been amended to recite a feature of wherein the second value (or value that is not the same as the current value) is selected based on information associated with the customer associated with the credit account (or existing credit account), a limitation the Examiner asserts is not

taught by the cited references (see analysis of Claims 55-57 in the present Office Action).

Further, although it was implicit in Claim 61 already, the determined second value of the parameter is now explicitly of the credit account. No new matter was added.

Claim 62 has also been amended to provide for determining of the first and second values and calculating by a central processor. Further, although it was implicit in Claim 62 already, the determined second value of the parameter is now explicitly of the credit account. The preamble has been amended to recite a non-transitory computer-readable medium. No new matter was added.

Claim 80 has also been amended to provide for determining of the current value and value that is not the same as the current value, and calculating the payment, by a central processor. Further, although it was implicit in Claim 80 already, the determined value of the parameter that is not the same as the current value is now explicitly of the existing credit account. No new matter was added.

Claims 50, 54, 55, 59 and 60 have been amended to depend from Claim 55, now independent.

Claims 49 and 58 have been cancelled without prejudice. Applicants reserve the right to and intend to pursue the subject matter of the cancelled claims and claims as they may have stood prior to amendment, in one or more continuing applications.

D. SECTION 112 ¶ 2 REJECTION: INDEFINITENESS

Claims 49, 51-55, 58-62 and 80 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which we regard as the invention.

Applicants respectfully traverse the Examiner's Section 112(2) rejection of Claims 49, 51-55, 58-62 and 80, for at least the reasons stated in Applicants' prior reply. In short, Applicants believe that claims are being rejected as indefinite per se merely for being allegedly broad.

However, Applicants and the Examiner agreed to amend the independent claims generally to clarify that determining of the first and second values and calculating the payment are by a central processor in the process and computer readable medium claims, and to clarify that the determined second value (or value that is not the same as the current value) is of the parameter of the credit account (or existing credit account). Accordingly, Applicants respectfully request the Examiner's reconsideration and withdrawal of the Section 112(2) rejections.

E. SECTION 103(A) REJECTIONS

Claims 49, 50 and 62 stand rejected under 35 U.S.C. 103(a) as being unpatentable over “American Express launches new Optima card strategy”, Paul Deckelman in view of “The Strange Behavior of the Credit Card Market”, by Calem, Paul S.

Claims 51 and 53 stand rejected as being unpatentable over Deckelman in view of Hoffman (U.S. Patent No. 5,297,026)

Claim 61 stands rejected as being unpatentable over Hoffman in view of Calem.

Claim 80 stands rejected as being unpatentable over Deckelman in view of Hoffman and Calem.

Applicants respectfully traverse the Examiner’s Section 103(a) rejections.

However, although Applicants do not believe such amendments are necessary for patentability and solely in order to expedite allowance of the present Application, each of independent Claims, 61, 62 and 80 has been amended generally to recite a feature of wherein the second value (or value that is not the same as the current value) is selected based on information associated with the customer associated with the credit account (or existing credit account), a limitation the Examiner asserts is not taught by the cited references (see analysis of Claims 55-57 in the present Office Action).

Each of Claims 50-54, 59 and 60 now depends, directly or indirectly, on Claim 55, which the Examiner indicates contains subject matter not taught by the cited references.

Claims 49 and 58 have been cancelled without prejudice

For at least these reasons, Applicants respectfully request reconsideration and withdrawal of the Section 103(a) rejections and allowance of the present Application.

F. ADDITIONAL COMMENTS

Our silence with respect to the Examiner’s other various assertions not explicitly addressed in this paper, including assertions of what the cited reference(s) teach or suggest, the Examiner’s interpretation of claimed subject matter or the Specification, or the propriety of any asserted combination(s) of teachings, is not to be understood as agreement with the Examiner. As the Examiner has not established an un rebuttable prima facie case for rejecting any of the claims as pending, for at least the reasons stated in this paper, we need not address all of the Examiner’s assertions at this time. Also, the absence of

arguments for patentability other than those presented in this paper should not be construed as either a disclaimer of such arguments or as an indication that such arguments are not believed to be meritorious.

G. PETITION FOR EXTENSION OF TIME TO RESPOND & AUTHORIZATION TO CHARGE APPROPRIATE FEES

Applicants believe that a two-month extension of time is necessary to make this Reply timely.

Please grant a petition for any extension of time required to make this Response timely. Please also charge any other appropriate fees set forth in 37 C.F.R. §§ 1.16 – 1.18 for this paper and for any accompanying papers to:

Charge: \$490.00
Deposit Account: 50-0271
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H. CONCLUSION

It is submitted that all of the claims are in condition for allowance. The Examiner's consideration is respectfully requested.

If the Examiner has any questions regarding this paper or the present application, the Examiner is cordially requested to contact Michael Downs at telephone number (203) 438-6408 or via electronic mail at mddowns@finchamdowns.com.

Respectfully submitted,

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Date

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